IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION

Bethani LEE, as Personal Representative of the Estate of Jonee Adair Lee-Livingston,)))
Plaintiff,	
v.) CIVIL ACTION NO. 5:10-CV-361 (MTT)
MYLAN INC., et. al,	
Defendants.	

<u>ORDER</u>

This matter is before the Court on the Plaintiff's Letter Regarding the Amended Complaint and the Defendants' Motion for Summary Judgment. (Doc. 37). The Court construes the letter as a Motion to Amend the Complaint and to Add Mr. Calvin Livingston as a plaintiff. The Motion is **GRANTED**. The letter also states that counsel for the Defendants agrees that the addition of Mr. Livingston moots its Motion for Summary Judgment. Accordingly, the Defendants' Motion for Summary Judgment is **DENIED** *without prejudice*. Pursuant to Fed. R. Civ. P. 15(a)(3), the Defendants have 14 days after service of the amended complaint to respond.

SO ORDERED, this the 26th day of July, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT